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Nona A. Bradshaw

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TRANSCRIPT OF PROCEEDINGS

JUN - 1 1993

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

IN RE:

MM DOCKET NO. 93-43

APPLICATION OF OJEDA BROADCASTING, INC.

Hobbs, New Mexico

DATE OF HEARING: May 11, 1993

VOLUME: I

PLACE OF HEARING: Washington, D.C.

PAGES: 1-5

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In Re:

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APPLICATION OF OJEDA  
BROADCASTING, INC.

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Hobbs, New Mexico

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The above-entitled matter came on for pre-hearing conference  
pursuant to notice before John M. Frysiac, Administrative Law  
Judge, at 2000 L Street, N.W., Washington, D.C., in Courtroom  
No. 1, on Tuesday, May 11, 1993, at 9:00 a.m.

10

MM Docket No. 93-43

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25	Hearing began: 9:00 a.m.	Hearing Ended: 9:15 a.m.

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## P R O C E E D I N G S

(9:00 a.m.)

1 JUDGE FRYSIAC: This is a prehearing conference for  
2 Hobbs, New Mexico. Mr. Emmons, I understand, represents  
3 Ojeda, but has failed to make an appearance.  
4

5 MS. LADEN: I'm Paulette Laden for the Chief of the  
6 Mass Media Bureau. I talked to Mr. Holt, who is Mr. Emmon's  
7 partner, or co-counsel, yesterday and he indicated his  
8 intention to be here.

9 JUDGE FRYSIAC: Well, if there isn't much for us -- for  
10 our consideration today, except to discover how things are  
11 going. How are they going?

12 MS. LADEN: We talked about a possible change in dates  
13 at Mr. Holt's request, but I don't want to speak to that  
14 because I have no desire to change the dates. We talked about  
15 dates that we would be willing to consent to change if Your  
16 Honor wanted to change the dates but, again, I don't want to  
17 speak for them on that. We talked about possibly resolving  
18 the issue by a summary decision and we are pursuing that  
19 possibility.

20 JUDGE FRYSIAC: A summary, you say? In a summary  
21 fashion?

22 MS. LADEN: Summary decision.

23 JUDGE FRYSIAC: Well, okay. I was going to ask you,  
24 did you -- have you completed your discovery?

25 MS. LADEN: Yes, I have. It's a -- the only issue is a

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1 financial issue. There's only the one applicant.

2 JUDGE FRYSIAC: I understand.

3 MS. LADEN: So it, so it seems to be an issue --

4 JUDGE FRYSIAC: But do you think it's feasible to  
5 dispose of this in a summary decision?

6 MS. LADEN: It depends on what the summary decision  
7 looks like, whether we would recommend that result to Your  
8 Honor or not, but it seems to me that --

9 JUDGE FRYSIAC: So, you haven't formulated an opinion.

10 MS. LADEN: I haven't seen a motion. He indicates that  
11 he has an intention -- Mr. Holt indicated to me yesterday he  
12 intends to file one. We will state our position if and when  
13 he does file one. But it seems to me that an issue like this  
14 could be resolved by summary decision.

15 JUDGE FRYSIAC: Well, that was my hope when I started  
16 out this morning.

17 MS. LADEN: There is no other issue. There's no  
18 comparative -- there's no competing applicant. And we did  
19 talk about it. We are -- they are working on something this  
20 week and we had a planned to meet next week to talk about what  
21 our concerns are.

22 JUDGE FRYSIAC: All right. So that -- I guess for the  
23 time being, the schedule will remain intact.

24 MS. LADEN: Your Honor, I'll tell you what he told me  
25 in our conversation yesterday. Mr. Emmons has a conflict with

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1 the present date, which I believe is July 22nd, and we talked  
2 about other possibilities. I indicated that I would not --  
3 that I would rather move the date up than back because I have  
4 other hearings -- two other hearings in August. And we talked  
5 about possibly the week of July 5th. I'm going to be out of  
6 town the week of July 12th. But we just talked about those  
7 ideas and I indicated to him what dates I would be willing to  
8 consent to, but I don't want to speak to him because I don't  
9 know whether they're still interested in changing the date.

10 JUDGE FRYSIAC: At any event, the, the hearing wouldn't  
11 take more than a day, right?

12 MS. LADEN: We, we thought -- we were talking about  
13 perhaps a Thursday and Friday just to be safe. We don't --  
14 can't imagine that it would take more than two days. We can't  
15 imagine it would take more than one.

16 JUDGE FRYSIAC: Right.

17 MS. LADEN: But the second day would be just to have a  
18 safety net.

19 JUDGE FRYSIAC: All right. Well, all right then, we'll  
20 leave things as they are until I hear by way of motion from  
21 the applicant. Okay?

22 MS. LADEN: Okay. Thank you, Your Honor.

23 JUDGE FRYSIAC: Okay. Thank you for coming. We stand  
24 adjourned.

25 (Whereupon, at 9:15 a.m., the proceeding was adjourned.)

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APPLICATION OF OJEDA BROADCASTING, INC.

**Name**

MM DOCKET NO. 93-43

**Docket No.**

Washington, D.C.

**Place**

May 11, 1993

**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 5, inclusive, are the true, accurate and complete transcript prepared from the reporting by SOL KRASNER in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

May 17, 1993

**Date**

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May 17, 1993

**Date**

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